

Message Text

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53

ACTION IO-13

INFO OCT-01 ADP-00 AF-10 ARA-11 EA-11 EUR-25 NEA-10 RSC-01

ACDA-19 CIAE-00 DODE-00 PM-09 H-02 INR-10 L-03

NSAE-00 NSC-10 PA-03 PRS-01 SS-15 USIA-12 GAC-01

RSR-01 /168 W

----- 101583

P R 181423 Z MAY 73

FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 9403

INFO USMISSION USUN NEW YORK

C O N F I D E N T I A L GENEVA 2372

E. O. 11652: GDS

TAGS: PFOR, UN

SUBJECT: DEFINITION OF AGGRESSION COMMITTEE - LEGAL CONSEQUENCES

1. DISCUSSION OF " LEGAL CONSEQUENCES OF AGGRESSION" IN CG CENTERED ON THE THREE FORMULATIONS RE " CRIME AGAINST THE PEACE" CONTAINED WE REPORT 1972.
2. FRANCE CONTINUED EXPRESS DOUBTS AS TO UTILITY OR WISDOM INCLUDING ANY REFERENCE TO CRIMES AGAINST PEACE. BROMS (CHAIRMAN CG), USSR, SPAIN ALL PRESSED HARD FOR INCLUSION OF CONCEPT.
3. DELOFF EXPRESSED DOUBTS AS TO UTILITY OR WISDOM INCLUDING LEGAL CONSEQUENCES IN DEFINITION BUT ACKNOWLEDGED ALTERNATIVE 2 CONTAINS STATEMENT OF ACCEPTED INTERNATIONAL LAW.
4. ALL DELS OBJECTED TO REFERENCE TO " WARS OF AGRESSION" SINCE DEFINITION AT NO POINT REFERRED TO " WARS OF AGRESSION." USSR ET AL SUGGESTED ALTERNATIVE 2 MIGHT BE ACCEPTABLE IF WORDS " A WAR OF" DELETED, SO THAT TEXT WOULD READ: " AGRESSION CONSTITUTES A CRIME AGAINST THE

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PEACE FOR WHICH THERE IS RESPONSIBILITY UNDER INTERNATIONAL
LAW."

5. FRANCE SUGGESTED SUBSTITUTING WORD " VIOLATION" FOR
" CRIME," ALONG FOLLOWING LINES: " AGRESSION CONSTITUTES A
VIOLATION OF THE PEACE FOR WHICH ETC." DELOFF INDICATED
THAT IF WE WERE TO INCLUDE ANYTHING ON CONSE-
QUENCES THIS FORMUALTION MIGHT BE ACCEPTABLE. COMMENT:
THIS FORMULATION APPEARS RAISE NO PROBLEM BUT IT FAR
FROM CLEAR FRANCE WILL MAINTAIN ITS PROPOSAL, IN WHICH
CASE WE WILL NEED GUIDANCE ON FORMULATION CONTAINED PARA
4 AND THAT CONTAINED IN ALTERNATIVE 3 IN WG REPORT 1972
(WHICH WAS NOT DISCUSSED BUT WHICH MIGHT EVENTUALLY
PROVE BASIS FOR COMPROMISE). BASSIN

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*** Current Handling Restrictions *** n/a

*** Current Classification *** CONFIDENTIAL

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Disposition Approved on Date:
Disposition Authority: thigpegh
Disposition Case Number: n/a
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Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
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